

# House File 808 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO HSB 213)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning accountability requirements for entities and  
2 boards created for joint exercise of governmental powers and  
3 providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2279HV 82  
6 ec/gg/l4

PAG LIN

1 1 Section 1. Section 28E.4, Code 2007, is amended to read as  
1 2 follows:  
1 3 28E.4 AGREEMENT WITH OTHER AGENCIES.  
1 4 Any public agency of this state may enter into an agreement  
1 5 with one or more public or private agencies for joint or  
1 6 cooperative action pursuant to the provisions of this chapter,  
1 7 ~~including either through the creation of a separate entity in~~  
1 8 ~~accordance with section 28E.5 or through a contract entered~~  
1 9 ~~into in accordance with section 28E.12~~ to carry out the  
1 10 purpose of the agreement. Appropriate action by ordinance,  
1 11 resolution, or otherwise pursuant to law of the governing  
1 12 bodies involved shall be necessary before any such agreement  
1 13 may enter into force.  
1 14 Sec. 2. Section 28E.5, subsection 2, Code 2007, is amended  
1 15 to read as follows:  
1 16 2. The precise organization, composition, and nature of  
1 17 ~~any the~~ separate legal or administrative entity created  
1 18 thereby together with the powers delegated thereto, provided  
1 19 such entity may be legally created. However, ~~if the agreement~~  
1 20 ~~establishes a separate legal or administrative entity, the~~  
1 21 ~~entity created~~ shall, when investing funds, comply with the  
1 22 provisions of sections 12B.10 and 12B.10A through 12B.10C and  
1 23 other applicable law.  
1 24 Sec. 3. Section 28E.6, Code 2007, is amended to read as  
1 25 follows:  
1 26 28E.6 ADDITIONAL PROVISIONS.  
1 27 1. ~~If the agreement does not establish a separate legal~~  
1 28 ~~entity to conduct the joint or cooperative undertaking, the~~  
1 29 ~~The agreement entered into pursuant to section 28E.5 shall~~  
1 30 ~~also include all of the following:~~  
1 31 a. ~~Provision for an administrator or establishment of a~~  
1 32 ~~joint board responsible for administering the joint or~~  
1 33 ~~cooperative undertaking. In the case of a joint board, public~~  
1 34 ~~Public agencies party to the agreement shall be represented on~~  
1 35 ~~the joint board.~~  
2 1 b. The manner of acquiring, holding, and disposing of real  
2 2 and personal property used in the joint or cooperative  
2 3 undertaking.  
2 4 2. The entity created ~~or the administrator or and the~~  
2 5 joint board specified in the agreement shall be a governmental  
2 6 body for purposes of chapter 21 and a government body for  
2 7 purposes of chapter 22 unless the entity created or agreement  
2 8 includes public agencies from more than one state.  
2 9 3. a. ~~All A summary of the proceedings of each regular,~~  
2 10 ~~adjourned, or special meeting of the joint board of the entity~~  
2 11 ~~created or the administrator or joint board specified in the~~  
2 12 ~~agreement, including the schedule of bills allowed, shall be~~  
2 13 ~~published after adjournment of the meeting in a one newspaper~~  
2 14 ~~of general circulation within the geographic area served by~~  
2 15 ~~the joint board of the entity created or the administrator or~~  
2 16 ~~joint board specified in the agreement. The summary of the~~

2 17 proceedings shall include the date, time, and place the  
2 18 meeting was held, the members present, and the actions taken  
2 19 at the meeting. The joint board of the entity created or the  
2 20 administrator or joint board specified in the agreement shall  
2 21 furnish a copy the summary of the proceedings to be published  
2 22 to the newspaper within one week twenty days following  
2 23 adjournment of the meeting. The publication of the schedule  
2 24 of bills allowed shall include a list of all salaries paid for  
2 25 services performed, showing the name of the person or firm  
2 26 performing the service and the amount paid. The publication  
2 27 of the schedule of bills allowed may consolidate amounts paid  
2 28 to the same claimant if the purpose of the individual bills is  
2 29 the same. However, the names and gross salaries of persons  
2 30 regularly employed by the entity created ~~or the administrator~~  
2 31 ~~or joint board specified~~ in the agreement shall only be  
2 32 published annually.

2 33 b. An entity created which had a cash balance, including  
2 34 investments, of less than one hundred thousand dollars at the  
2 35 end of the previous fiscal year and which had total  
3 1 expenditures of less than one hundred thousand dollars during  
3 2 the prior fiscal year is not required to publish a summary of  
3 3 the proceedings as required in paragraph "a".

3 4 c. Each entity created in the agreement shall submit, in  
3 5 an electronic format, a biennial report to the secretary of  
3 6 state in a manner prescribed by the secretary of state by  
3 7 April 1 of every odd-numbered year beginning in calendar year  
3 8 2009. The report shall include the name of the entity  
3 9 created, the board members of the joint board created, whether  
3 10 the entity is exempt from the publication requirements of this  
3 11 subsection pursuant to paragraph "b", and a verified  
3 12 electronic mail address for the entity. Each entity created  
3 13 in the agreement shall also submit an initial report,  
3 14 containing the information required by this paragraph, by  
3 15 January 1, 2008.

3 16 d. This subsection shall not apply if the entity or the  
3 17 administrator or joint board specified created in the  
3 18 agreement includes public agencies from more than one state.  
3 19 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
3 20 immediate importance, takes effect upon enactment.

#### 3 21 EXPLANATION

3 22 This bill concerns accountability provisions required for  
3 23 agreements for the joint exercise of government powers.

3 24 Code section 28E.4 is amended to provide that the joint  
3 25 exercise of government powers through the creation of a  
3 26 separate entity can be done through Code section 28E.5 or  
3 27 through a contract entered into in accordance with Code  
3 28 section 28E.12.

3 29 Code section 28E.6 provides that an agreement entered into  
3 30 pursuant to Code section 28E.5 shall provide for the creation  
3 31 of a joint board.

3 32 The bill eliminates the requirement that an administrator  
3 33 exercising joint powers through an agreement is subject to  
3 34 open meetings and public records requirements. The  
3 35 requirement that joint boards are subject to open meetings and  
4 1 public records requirements remains.

4 2 The bill also modifies the requirement that proceedings,  
4 3 including the schedule of bills allowed, of an entity,  
4 4 administrator, or joint board created under Code chapter 28E  
4 5 shall be published in a newspaper of general circulation  
4 6 within a week following adjournment of the meeting. The bill  
4 7 makes this requirement applicable to joint boards and provides  
4 8 that a summary of the proceedings be published within 20 days  
4 9 following adjournment. The bill provides that the summary  
4 10 include time, date, and place of the meeting, the members  
4 11 present, and actions taken at the meeting.

4 12 The bill provides that the requirement to publish a summary  
4 13 of the proceedings and a schedule of bills does not apply if  
4 14 the entity had a cash balance of less than \$100,000 at the end  
4 15 of the last fiscal year and had total expenditures of less  
4 16 than \$100,000 in that fiscal year.

4 17 The bill does provide that all entities covered by Code  
4 18 section 28E.5 shall submit a biennial report to the secretary  
4 19 of state in odd-numbered years providing the name of the  
4 20 entity, the board members on the joint board, whether the  
4 21 entity is exempt from the publication requirements, and a  
4 22 verified electronic mail address for the entity. The bill  
4 23 provides that an initial report shall be submitted to the  
4 24 secretary of state by January 1, 2008.

4 25 This bill takes effect upon enactment.

4 26 LSB 2279HV 82

4 27 ec:nh/gg/14

